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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,127	11/07/2001	Richard McFarlane	723-1209	4638

27562 7590 01/11/2008
NIXON & VANDERHYE, P.C.
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ARLINGTON, VA 22203

EXAMINER

CASLER, TRACI

ART UNIT	PAPER NUMBER
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3629

MAIL DATE	DELIVERY MODE
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01/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/986,127	Applicant(s) MCFARLANE ET AL.	
	Examiner Traci L. Casler	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to papers filed on October 18, 2007.

Claim 1 is amended.

Claims 1-12 are pending.

Claims 1-12 are rejected.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 18, 2007 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,895,438 Ulrich; Telecommunication-Based Time-Management System and Method, in view of US Patent 6,446,119; Olah et al, System and Method for Monitoring Computer Usage.
4. As to claim 1 Ulrich teaches importing files with information on all activity passing through a centrally located firewall to a database(C. 4 I. 59-63) wherein the files are files of internet usage, email and phone logs(C. 5 I. 49-54)
5. importing current employees and company structure information to the database(C. 2 I. 35-40).
6. providing summary reports in response from a first employee(C. 2 I. 41-45 & C. 15 I. 5-10), Ulrich fails to teach the reports containing all supervised employees, however, Olah teaches the employer requesting the reports to be run on one or all employees in an organization(C. 1 I 60-65). It would have been obvious to one of ordinary skill in the art to combine Olah with Ulrich as to allow production and performance monitoring of all employees with in a company to identify how time is being spent in turn how money is being spent by the company as a whole. As Ulrich sets forth in C. 15 I. 5-10, an individual can not only generate a report about themselves but about other employees in the company(not specifically those working under the employee), however, Olah teaches a supervisor monitoring their employees activities to ensure

usage of resources and productivity. The examiner notes that the nature of the problem to be solved, identifying, monitoring employee performance and productivity would have led one of ordinary skill in the art to combine the individuals report of Ulrich with the supervisor report of Olah to yield predictable results

7. As to claim 2 Ulrich teaches highlighted summary reports(C. 7 l .7-10)
8. As to claim 3 and 6 Ulrich teaches links in reports that direct to more detailed information(C. 11 l. 25-30; L. 44-46)
9. As to claims 4 and 7-12 Ulrich teaches several options for report displays and options. Ulrich does not teach each specific report type or display being created, however, it would have been obvious to one of ordinary skill in the art at the time to allow for any type of report deemed necessary by each individual organization.

Response to Amendment

As to applicants arguments that Olah and Ulrich fail to teach the reports returning results for the person who requested the report as well as other at the company. The examiner notes the above rejection sites reasoning and facts as to why the combination of the two references would teach the limitations as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Casler whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

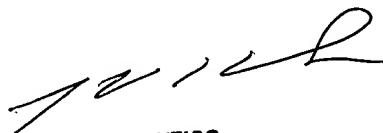
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TLC



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
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